

## INITIATIVE 235

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 235 to the Legislature is a true and correct copy as it was received by this office.

1       AN ACT Relating to national initiative, referendum, and electronic  
2 voting; and creating new sections.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4       NEW SECTION.   **Sec. 1.** Be it adopted and enacted by the legislature  
5 of the state of Washington that it hereby applies to the Congress of  
6 the United States, under the authority of Article V of the United  
7 States Constitution, that Congress hereby call a constitutional  
8 convention, to be independent of, and not subject to rule by, Congress,  
9 for the purpose of considering section 3 of this act as an amendment to  
10 the United States Constitution together with consideration of any and  
11 all other proposals for amendments to the United States Constitution by  
12 the several states, together with any other business the convention may  
13 deem necessary and proper for its consideration.

14       NEW SECTION.   **Sec. 2.** Recognizing that no state is empowered by  
15 the United States Constitution to write a specific proposed amendment,  
16 that this power is specifically limited to either Congress or a  
17 constitutional convention, the legislature hereby requests the  
18 constitutional convention to consider proposing an amendment as

1 outlined in section 3 of this act and submitting it to the several  
2 states for their ratification.

3 NEW SECTION. **Sec. 3.** The proposed amendment shall be presented to  
4 a constitutional convention and to Congress and shall include the  
5 following provisions:

6 (1) All acts of Congress shall be subject to review and approval by  
7 means of electronic initiative, referendum, or general vote as shall  
8 properly apply. Electronic vote shall replace all other forms of  
9 voting both federal and state and shall include the right of election  
10 and selection. Both methods of voting must be employed in balloting as  
11 they shall properly apply.

12 (2) All United States Supreme Court rulings, or any ruling of any  
13 inferior court, whether of the United States or of the several states,  
14 after suffering all possible court appeal, in which the ruling  
15 determines an act of the legislature, either state or national, or any  
16 regulation, executive action, or other government action is  
17 unconstitutional and contrary to the United States Constitution, must,  
18 before becoming a final and effective ruling, be submitted to review  
19 and approval by the people in electronic ballot. If the people shall  
20 reject the court ruling, then the court's ruling shall be determined to  
21 have been overruled. There shall be no appeal to this vote except by  
22 a like vote. No electioneering shall be permitted in this vote, and  
23 only those materials available to the final court of appeal in the  
24 matter shall be presented to the people for their consideration in  
25 their vote.

26 (3) The Supreme Court, or any inferior court, either of the United  
27 States or of the several states, is forbidden from finding any election  
28 by the people, either in federal elections or in the several states on  
29 any issue, to be void or unconstitutional, and only an election by the  
30 people shall have the power to overturn an election. Elections by the  
31 people shall be considered supreme to any other act of the government.  
32 However, should the question be posed to the court regarding fraud in  
33 the election or other irregularities, the court, upon so determining,  
34 may act to void the election and provide for a new election.

35 (4) All presidential actions, unless they shall be specifically and  
36 expressly designated in the Constitution as powers of the President,  
37 must, upon the submission of a referendum questioning the same, be  
38 approved by a vote of the people through electronic ballot.

1 (5) Any regulation, act, rule, or decision by any agency, bureau,  
2 or department of the United States government, or of the several  
3 states, shall be subject to electronic initiative or referendum before  
4 such regulation, act, rule, or decision may take effect and may be  
5 changed or voided by a vote of the people at any time after such  
6 regulation, act, rule, or decision is approved.

7 (6) Any tax increase proposed by the Congress must, before it shall  
8 take effect, be approved by the people through electronic vote with at  
9 least sixty percent of those voting granting approval for the same. No  
10 sales tax or other tax of any description shall be levied by either the  
11 several states or Congress on any transaction carried out on the  
12 Internet, nor shall the Internet suffer any tax of any description. No  
13 vote for a tax decrease by Congress shall be required.

14 (7) As this amendment shall not be construed to replace elections  
15 held by the several states and their political subdivisions, it shall  
16 be mandatory upon the several states to establish regulations and other  
17 required standards of electronic voting for the various states in state  
18 and their political subdivision elections. It shall be mandatory upon  
19 Congress to establish regulations and other required standards of  
20 election voting regarding any federal electronic election. As with all  
21 other laws, these laws shall be subject to review by vote of the  
22 people. Any dispute between any state and federal regulation shall be  
23 settled in an appropriate federal court whose decision in the matter  
24 shall be considered final. It shall be mandatory upon the several  
25 states to establish criminal punishment for any person or citizen of  
26 the United States tampering, interfering, or otherwise distorting any  
27 electronic vote of the people. It shall be mandatory upon Congress to  
28 establish a consecutive federal criminal punishment for any person or  
29 citizen of the United States who shall tamper, interfere, or otherwise  
30 distort any electronic vote of the people. The sentences, once  
31 determined in court, either federal or state, shall have no appeal of  
32 any type to a higher court or executive.

33 (8) Any tampering, interference, effectuation, or distortion of any  
34 electronic vote of the people by any foreign source, either sovereign  
35 or individual, shall be considered an act of war by the United States.

36 (9) The Congress, by law, shall establish full access for all  
37 citizens for the purposes of electronic voting and shall appropriate  
38 such funds as are required to accomplish the same. The government  
39 shall provide full disclosure of all records it possesses necessary or

1 required for the purpose of electronic voting regarding any issue that  
2 may be raised either in initiative or referendum. A court procedure  
3 shall be established for releasing said records, and the burden of  
4 proof not to release said records shall fall entirely upon the  
5 government. Information to be withheld in this manner shall be as  
6 minimal and specific as possible in nature, and no generalized defense  
7 to obstruct or otherwise delay such release of records shall be  
8 allowed.

9 (10) This amendment shall be construed to provide the people the  
10 broadest possible control of the United States government, and no  
11 action of the government shall therefore be exempt from the provisions  
12 of this amendment nor shall this amendment be construed in any way  
13 restricting the right of the people to regulate their government  
14 through lawful electronic vote.

15 (11) All electioneering for office either federal or among the  
16 several states, together with any electioneering regarding any issue  
17 placed for electronic vote, either in general or special election,  
18 together with initiative and referendum, shall be limited to that means  
19 and method of vote.

20 (12) All electioneering done under electronic voting must be  
21 sourced as to the identity of the sender, and all electioneering  
22 information must be linked. All servers shall be secure.

23 (13) The government, except as is required to establish and  
24 maintain the specifications of electronic voting, is forbidden from  
25 otherwise regulating the medium known as the Internet or any equivalent  
26 system, unless such regulation shall first be approved by at least two-  
27 thirds of those voting in a special election. No regulation or act, in  
28 the United States or the several states, may be proposed which shall  
29 reduce or remove the right of electronic vote and its authority to  
30 regulate the government.

31 (14) In addition to the two methods of amendment specified in  
32 Article V of the United States Constitution, amendments to the United  
33 States Constitution may be proposed by electronic initiative. The  
34 proposed amendment must suffer a two-thirds vote of approval of those  
35 voting in two separate and distinct elections before being considered  
36 ratified. Upon ratification, such amendment shall be considered valid  
37 and in full effect to all intents and purposes as part of the United  
38 States Constitution.

1       (15) The power to approve treaties shall be removed from the Senate  
2 of the United States. All treaties shall be submitted for approval to  
3 a vote of the people and shall not be approved unless two-thirds of  
4 those voting shall approve.

5       (16) The President and Vice President may be recalled at any time  
6 by an electronic vote of the voters. Such recall shall be accomplished  
7 by the filing of electronic votes of at least one-third of the  
8 registered voters of the nation which may be gathered by a method  
9 specified by law. Upon the receipt of the proper number of votes,  
10 which shall have a specific time limit of effect established by law and  
11 may not be altered except by approval of the people, a special election  
12 shall be called to place the matter before the people. There shall be  
13 no electioneering permitted. It shall require a two-thirds vote of the  
14 people voting in the election to recall the President or Vice  
15 President. Such recall shall take effect immediately, and such recall  
16 shall not hold the President or Vice President harmless or immune from  
17 other civil or criminal prosecutions.

18       (17) Any senator or representative of the United States Congress  
19 may be recalled by the voters of their respective state or district.  
20 The recall procedure shall be the same as prescribed for the President  
21 or Vice President except that the election shall be limited to only  
22 those voters who are eligible to vote in the state, in the case of a  
23 senator, or the district, in the case of a representative.

24       (18) The Congress, with approval of the voters as prescribed above,  
25 shall have the power to prescribe legislation for this amendment in  
26 order to carry out its provisions.

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